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By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Court of the Industrial Tribunal, Alleppey
Dated this the 22nd day of January, 1982

Present:

SHRI K. KANAKACHANDRAN, B. SC., LL.B.,
Industrial Tribunal

INDUSTRIAL DISPUTE No. 6/1981

Between

The Manager, Poabs Battery Containers (P) Ltd.,
Kuttoor P.O., Thiruvalla

And

The workmen of the above concern represented by the
President, Alleppey District Factories and Industrial Workers Congress,
Market Road, Thiruvalla

Representations:-

Sri P. Narayanan Nair .. For *Management*
Advocate, Alleppey..

G.A. 42/L.

AWARD

An Industrial Dispute between the Manager, Poads Battery Containers Private Ltd., Kuttoor P.O., Thiruvalla and the workmen of the above concern was referred to this Tribunal for adjudication by G.O. (Rt.) No. 764/81/LBR, Labour (A) Department dated 16-6-1981. The issues referred for adjudication are the following:—

1. (a) Termination of service of T.A. Jose.
   (b) Termination of services of Messrs. T.A. Philip, Sunny Thomas, E.M. Abraham and Joseph Chacko.

2. Denial of employment of Messrs. M.C. Aniyan Kunju, P.M. Cherian, P.T. Thomas, P.C. Chacko, E. A. Thomas, M. K. Abraham, E.I. Unnithan, T.I. Abraham and K. Sankaran Achary.

After the registration of the Industrial Dispute on 20-6-1981, notice was issued to both parties for appearance on 17-7-1981. In the reference order it is shown that the workmen of Poabs Battery Containers Private Ltd., were represented by their President, Alleppey District Factories and Industrial Workers Congress, Market Road, Thiruvalla. On the date of first appearance viz., 17-7-1981 the Management entered appearance through counsel, but the President of the workmen was absent. The matter was again adjourned to 13-8-1981. Then also no representation was made on behalf of the union. Accordingly a fresh registered notice was issued to the union. On 28-10-1981, because of the continued absence of the union, they were declared exparte and posted for the disposal of the matter on 10-11-1981. On 10-11-1981 sworn statement was given by Proprietor of the Management concern. In an attempt to have participation of the workmen, fresh registered notice was issued to the President of the Union in his personal and home address. It appears that President of the union received the registered notice sent to his home address on 19-11-1981. Although the date noted for his appearance was 20-11-1981 he did not turn up on that day also and therefore it was tentatively taken up for award on 1-12-1981. The next day the office received an urgent Telegram dated 20-11-1981 sent by the President of the workmen's union Sri Mathew P. Abraham. Considering his request for filing claim statement, opportunity was given and the case was posted for appearance of both parties again on 4-12-1981. On 4-12-1981 the President of the Union Sri Mathew P. Abraham appeared before this Tribunal. As per his request time was given for filing claim statement. When the case was called on 15-12-1981 Advocate, T.D. Kavirajan made representation on behalf of the union and prayed for time for filing the claim statement. Since no claim statement was filed after seeking two more adjournments, on 22-1-1982 Sri T.D. Kavirajan who made representation on behalf of the union earlier (without filing Vakalath) represented that he had no instruction in the matter since the President of the union had not turned up after 4-12-1981.

The details of posting are given above only to show that the President of the union who represented the workmen was lethargic through out and in

most irresponsible manner he represented the workmen before this Tribunal. The issues referred for adjudication is the termination of about 14 employees. In the reference order, only the name of those 14 employees were given and their address are not known. Therefore no separate notices could be sent to the above said workmen.

Enough opportunity was given to the President of the Union quite unusually in my anxiety to have proper representation on behalf of the workmen. From the poor response on the part of the President of the union I will have to conclude that there is no Industrial Dispute pending between the management and workmen regarding the termination of 14 employees. Thus I pass this award accordingly.

K. KANAKACHANDRAN,
Industrial Tribunal.

Appendix—Nil.

Kerala Gazette No. 18 dated 4th May 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. Rt. No. 89/82/LBR. *Dated, Trivandrum, 29th January 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Administrator, Mukundapuram Taluk Manpathra Kudi. Vyavasaya Co-operative Society Limited No. C. Ind. R. 70, P. Ol Chittissery, Pudukad, Trichur District and the workman of the above concern Shri M. M. Kumaran, Muthrathiparambil House, P. O. Chittisseryl Pudukad, Trichur District received by Government on 25-1-1982 is hereb, published under section 17 of the Industrial Disputes Act, 1947 (Centray Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretory.

In the Labour Court, Ernakulam

Dated this the 13th day of January, 1982

Present:

Shri N. SUKUMARAN, B.SC., B.L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 5 of 1978

Between

The Administrator, Mukundapuram Taluk Manpathra Kudil Vyavasaya Co-operative Society Limited No. C. Ind.R. 70, P. O. Chittissery, Pudukad, Trichur District

And

The workman of the above concern Shri M.M. Kumaran, Muthrathiparambil house, P. O. Chittissery, Pudukad, Trichur District

Representations :

Shri P. Balakrishnan, Advocate, Trichur. .. For *Management*

Shri A. Venugopala Menon, Advocate, Trichur. .. For *Workman*

AWARD

Dismissal of Shri M. M. Kumaran by a Society where he was working as a Maistry has resulted in this reference made by Government as per G. O. (Rt.) No. 1832/78/L &H dated 30-11-1978.

II. The Management had conducted a domestic enquiry into the charges against Shri Kumaran and the punishment followed on the basis of the findings of guilt rendered by the Enquiry Officer. Rival contentions are advanced by the parties regarding the validity of the domestic enquiry. the worker while pleading innocence of the charges contends that there was no proper or valid domestic enquiry. He is claiming reinstatement with all benefits. The Management on the other hand pleads that there was a proper and valid domestic enquiry. According to the management the workman was really guilty of serious misconducts as held by the domestic Enquiry Officer and the punishment of dismissal is only to be sustained. The validity of the domestic enquiry was upheld by me in my order dated 6-1-1982. I shall here extract that order in full :—

"ORDER

Shri M. M. Kumaran was working as the Maistry of a Brick Factory owned and managed by a Co-operative Society which is impleaded as the employer in this adjudication. While so he was dismissed with effect from 24-1-1977 as per order dated 31-1-1978. Disciplinary proceedings were initiated against Shri Kumaran as per a charge memo dated 30-12-1976. As many as six specific charges were raised against him in that charge. In addition to general and vague statements that Shri Kumaran was careless and indifferent in discharging his duties. The elaborate charge runs into several pages. The gist of the specific items of charges are as follows :—

- (i) Cost of production had increased considerably as Shri Kumaran did not exercise proper control over the workers.
- (ii) The target of production provided in the Society Secretary's order dated 6-11-1976 was not attained.
- (iii) Actual production did not tally with the production reports submitted by Shri Kumaran and the deficiency of 10,000 bricks was noticed for the month ending 30-11-1976.
- (iv) Substantial damage was caused as the raw bricks were not properly and timely handled at various stages.
- (v) Delay in loading the kiln with bricks ripe for that purpose resulting in substantial damage in burned bricks.
- (vi) Dissuading the workers from becoming members of the Society by flouting the orders of the superiors.

The charge produced is not [separately marked. It was Ext. M12 at the domestic enquiry held.

2. Shri Kumaran in his explanation dated 17-1-1977 (marked as Ext M 8 at the enquiry) denied all the charges item by item. He stated therein that he was discharging his duties to the best of his ability and that the allegations are raised without any reasonable basis. But he admitted that there will be difference in the actual end product of bricks and the

figures given in the production report as the production is on the basis of bricks made in the press which at various later stages are susceptible to damage. He also said that there are various stages of production carried on at different spots and it was physically impossible for him to be present at all spots simultaneously and therefore he cannot be made responsible for laches on the part of the workmen, if any, when he was not actually present at one place or other. Another averment is that overtime work was carried on during nights and holidays in his absence as he was specifically directed not to be present on such occasions and the irregularities or discrepancies happening during his absence cannot be explained by him. He at any rate is innocent and not liable for the consequences.

3. The explanation did not find favour with the Management. Therefore it ordered a domestic enquiry. An Advocate was appointed as the Enquiry Officer. The Enquiry Officer found Shri Kumaran guilty of item Nos. 1, 3, 4 and 5 of the charges. He was acquitted of the other charges. The Management on the basis of that finding inflicted the punishment of dismissal.

4. The Management in its written statement is defending its action as bona fide. It is contended further that there was a proper and valid domestic enquiry by an independent and impartial Advocate. All items of charges established at that enquiry are sufficiently grave enough to sustain the punishment of dismissal. The employee on the other hand states that he is an innocent victim punished for no fault of him. According to him there was no proper or valid domestic enquiry. He was not given sufficient opportunity to defend himself. The findings of the Enquiry Officer are perverse. He is entitled to reinstatement with all benefits.

5. It became necessary in view of the rival contentions regarding the domestic enquiry to see as to whether there was a valid and proper domestic enquiry. That aspect is being tried as a preliminary issue and this order relates to that alone. It was agreed by both sides that the Enquiry Officer had adopted the procedure as narrated by him in his report which I am marking as Ext. M1. It is further admitted that the depositions of the witnesses six in number marked as Ext. M2 series examined on the side of the Management and the four witnesses (M3 series) examined on the side of the workmen at the enquiry contain true and accurate records of the depositions given by the witnesses. Both sides advanced arguments on the question of the validity of the domestic enquiry on the basis of the admitted facts revealed by the documents.

6. It can be seen from the available documents that the workman served with the memo of charges availed of the opportunity given to him to explain his position. The enquiry was conducted by an Advocate whose impartiality is not questioned. The workman had notice of the enquiry and he participated in it. He was not present on the first sitting of the Enquiry Officer. Even then the Enquiry Officer adjourned the enquiry though there was no explanation for the absence. Shri Kumaran wanted the assistance of his brother who is a Graduate at the enquiry. The participation

of the brother, who is an outsider, was opposed by the Management's representative. The objection was over-ruled by the Enquiry Officer and Shri Kumaran's brother Shri Chandran, a Graduate, assisted him at the enquiry through out. Witness Nos. 1 and 3 to 5 examined on the side of the Management were cross-examined at length by Shri Kumaran. He did not cross-examine the other witness. Shri Kumaran wanted to examine four witnesses and all of them were examined. As many as 13 documents on the side of the Management and 15 on the side of the workman were produced and admitted in evidence by the Enquiry Officer. The only serious complaint regarding the procedure adopted by the Enquiry Officer is that the 2nd witness for the Management was permitted to be examined even though he was not in the original list filed by the Management.

7. It is the admitted case that Shri Kumaran was given an opportunity to cross-examine the 2nd witness for the Management. The argument is that the 2nd witness, the Secretary of the Society, was not included in the original list. It is common case that the Secretary was not included in the original list. But according to the Society there was a subsequent list even before the 2nd witness was examined and copy of the same was served on the workman. The Enquiry Officer has recorded in Ext. M 2 (a), the deposition of the 2nd witness, that the workman had stated that he is not cross-examining the witness as his name was not in the first list. It is recorded further there are two lists and the Secretary's name is available in the 2nd list. There is nothing to show that Shri Kumaran objected to the examination of the 2nd witness for the reason that his name was not in the original list. So he was chief examined without any objection. The workman when the witness was offered for cross-examination refrained from cross-examining him by raising the objection that the name was not in the first list. The question is as to whether he was justified in expressing his protest in this manner. My answer is an emphatic no. The workman if he really had a grievance regarding the examination of this witness should have objected to the examination even before his chief examination. Only one other witness was examined earlier. If the workman wanted to prepare himself for cross-examining the 2nd witness then it was open to him to ask for an adjournment for that purpose. The Enquiry Officer who is seen to have been very fair to the worker would normally have granted that request. In these state of affairs the refusal to cross-examine that witness cannot now be projected as a circumstance vitiating the enquiry. So it can safely be held that the enquiry was held by the Enquiry Officer in accordance with the principles of natural justice.

8. There is nothing in evidence from which it can be said that the action of the Management was intended to victimise the workman. The Society was under the Management of an Administrator at the relevant time. Disciplinary proceedings were initiated by that Administrator. It is not made out that the Administrator who was a Senior Officer of the Co-operative Department had any special motive to victimise this workman. So it cannot be said that there was an intention to victimise the workman.

9. The main argument advanced by the learned counsel appearing on behalf of the workman is that the findings of the Enquiry Officer are perverse. We need only consider the item of charges of which the Enquiry Officer found Shri Kumaran guilty. So item Nos. 2 and 6 of the charge need not be considered. Item Nos. 1, 4 and 5 were considered together by the Enquiry Officer. They admit of common consideration. Hence I shall also consider them together. It is the admitted fact that Shri Kumaran's father Manikyam was the Manager of the Factory. He was removed from that post and the new Secretary took up the Management. What is attempted to be proved at the enquiry is that Shri Kumaran became indifferent in his work and attempted to block production and prosperity of the Society in retaliation. The first witness at the enquiry was the Administrative Officer. The 2nd witness was the Secretary as already mentioned. The 3rd witness was then working as the Clerk of the Society. Witness Nos. 4, 5 and 6 of the Management were ordinary workers. Witnesses 4 and 5 have given evidence that Shri Kumaran was deliberately neglecting his duties affecting production. They also said that there was a marked deviation in the attitude of Shri Kumaran towards the work after the removal of his father. What is stated by these witnesses is that Shri Kumaran was very vigilant before his father's removal and thereafter he was adopting an attitude detrimental to the well being of the Society. The evidence of these witnesses had not been shattered in any way by the lengthy cross-examinations. The sixth witness says that she was given attendance on a day of absence. She was not cross-examined. WW1 is Shri Kumaran himself. He was given evidence in support of his defence. The 2nd witness for the workman is an ordinary worker of the factory. He only states that he was doing his duties earnestly. He does not say anything regarding the attitude of Shri Kumaran in discharging his duties. The 3rd witness examined by Shri Kumaran is another worker. He states that Shri Kumaran used to point out mistakes if any committed by the workers and to give instructions properly. The same is the version of the 4th witness, another worker. That witness had admitted in cross-examination that he was appointed by Shri Manikyam, father of Shri Kumaran and he is giving evidence in his attempt to help Shri Kumaran. The 3rd witness also had admitted that he has appointed in this factory by Shri Manikyam. Naturally these witnesses are interested in Shri Kumaran. Then the position is that there is no uninterested evidence to corroborate Shri Kumaran's version. On the other hand there are no special reasons for witnesses Nos. 4 and 5 for the Management to give evidence against Shri Kumaran. The oral evidence is therefore sufficient to substantiate item Nos. 1, 4 and 5 of the charge. The finding of guilt rendered on this aspect by the Enquiry Officer can be accepted as correct. I do so.

10. Now we are left with item No. 3 of the charge. That there was substantial difference between the productions reports and actual end product is admitted by Shri Kumaran also. His explanation is that production report is on the basis of raw bricks processed at the press and they have to undergo various stages before the finished product is obtained

and damages occur at those stages especially where it is polished (മിനുക്കൽ). Ext. M 10 at the enquiry is the "Minikku" Register. It may be that damages do occur at the various stages of processing. But the production report must normally be on the basis of the finished product. So this is a case where admittedly Shri Kumaran gave inflated figures in the production report. So the finding on item No. 3 of the charge is also correct. That too is hereby confirmed.

11. In the result it is found that the findings rendered by the Enquiry Officer were correctly rendered in a properly held domestic enquiry."

III. All that is remaining for consideration is as to whether the workman is entitled to any reliefs in the matter of punishment. The learned counsel for the Management argues that this workman was deliberately adopting an attitude to cause damage to the interest of the Society as a counterblast to the Society's action in having removed his father from the Management of the estabilshment and that therefore nothing short of dismissal will meet the ends of justice. The learned counsel appearing for the workman on the other hand submitted before me that the employee who is a youngster in his thirties cannot normally expect employment elsewhere and the punishment of dismissal for slackness or indifference is too harsh to be sustained. Normally the punishment of dismissal for the misconducts proved in the case cannot be said to be proportionate to the gravity of the offence. But here in this case a negative attitude was adopted deliberately by the worker as contended by the Management. There is evidence to that effect. It is the admitted case that this worker was very vigilant and competent in discharging his duties. He adopted a different attitude only when his father was removed from the Management of the concern. Continued engagement of such an employee will only do harm to the establishment. So there is no question of reinstating him. But dismissal without payment of any benefits cannot also be sustained as a proper punishment. The dismissal has to be converted into one of discharge for which he will be paid benefits as though he had been discharged on the date on which he was intended to be dismissed. He will also be paid a lump sum compensation of Rs. 4,000 (Rupees four thousand only) in addition to the above benefits. He is not entitled to any other reliefs. An award is passed accordingly.

IV. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

(Camp) Kottayam,
13-1-1982.

N. Sukumaran,
Presiding Officer.

APPENDIX

Exhibits marked on the Management's side :

Ext. M1 :	Enquiry report dated 18-1-1978.		
,, M2.	Deposition of Management's witness	No. 1	at the enquiry.
,, M2(a).	do.	No. 2	do.
,, M2(b).	do.	No. 3	do.
,, M2(c).	do.	No. 4	do.
,, M2(d).	do.	No. 5	do.
,, M2(e).	do.	No. 6	do.
Ext. M3.	Deposition of Workman's witness	No. 1	at the enquiry.
,, M3(a).	do.	No. 2	do.
,, M3(b).	do.	No. 3	do.
,, M3(c).	do.	No. 4	do.

Kerala Gazette No. 18 dated 4th May 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 210/82/LBR. *Dated, Trivandrum, 3rd March 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Manager, M/s New India Fisheries Ltd., Karuvelippady, Cochin-5 and their workmen represented by the General Secretary, New India Fisheries Employees Union, Karuvelippady, Cochin-5 received by Government on 1-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act, XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam
Dated this the 25th day of February, 1982

Present:

SHRI N. SUKUMARAN, B.SC., B.L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 265 of 1979

Between

The Manager, M/s New India Fisheries Ltd.,
Karuvelippady, Cochin-5

And

The workmen of the above concern represented by the
General Secretary, New India Fisheries Employees Union,
Karuvelippady, Cochin-5

Representations:

Shri B. S. Krishnan, Advocate, Ernakulam. .. For *Management*

Shri P. F. Thomas, Advocate, Cochin-12. .. For *Union*

G.A. 51/L.

AWARD

The issue referred for adjudication by Government as per G.O. (Rt.) No. 568/79/L&H dated 20-4-1979 is "Retrenchment of Sarvasree P.V. Baby and U. B. Kakkoo."

2. The Union does not challenge the Management's bona fides in retrenching certain workmen including the two with whom we are concerned. The only complaint is that these two workmen were retrenched while retaining two others junior to them. It is said that Shri Ibrahimkutty who is junior to Shri P.V. Baby and Shri Sainudhin who was junior to Shri Kakkoo were retained while effecting the retrenchment. The Management in its written statement denies this allegation. According to the Management the two retained are seniors to the two retrenched and the principle of last come first go was strictly adhered to.

3. The case came up for evidence on the above pleadings. The relevant documents showing the seniority list was produced by the Management as directed by me on a request made by the Union on this behalf. After perusing those documents the learned counsel appearing on behalf of the Union submitted before me that the stand of the Management is correct. It was conceded that an award may be passed upholding the retrenchment. In the result an award is passed finding that the retrenchment is valid and proper.

Ernakulam,
25-2-1982.

N. SUKUMARAN,
Presiding Officer.

Kerala Gazette No. 18 dated 4th May 1982
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 375/82/LBR. *Dated, Trivandrum, 13th April 1982.*

The award of Shri K. Balakrishna Panicker, Arbitrator, Regional Joint Labour Commissioner (Retired), 'Lakshmi', Cochin-25 in respect of the dispute between the Management of M/s Cominco Binani Zinc Ltd., Binanipuram, Alwaye and their workmen represented by (1) C. B. Z. Employees Union, Binanipuram (2) C.B.Z. Staff and Workers Association, Binanipuram (3) C.B.Z. Workers Federation, Binanipuram (4) C.B.Z. Employees Association, Binanipuram and (5) C.B.Z. Employees organisation, Binanipuram received by Government on 12-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor.
P. Gomathy Amma,
Deputy Secretary.

AWARD

Under Section 10A of the Industrial Disputes Act Act XIV of 1947

IN THE INDUSTRIAL DISPUTE

Between

The Management of
M/s Cominco Binani Zinc Ltd., Binanipuram, Alwaye

And

Their Workmen

Represented by

C.B.Z. Employees Union, Binanipuram.
C.B.Z. Staff and Workers Association, Binanipuram.
C.B.Z. Workers Federation, Binanipuram.
C.B.Z. Employees Association, Binanipuram.
C.B.Z. Employees Organisation, Binanipuram.

By
Arbitrator

Shri K. BALAKRISHNA PANICKER
Retd. Regional Joint Labour Commissioner, Ernakulam.

Award No. 1 dated 5-12-1981

An industrial dispute arose between the Management of M/s Cominco Binani Zinc Ltd., Binanipuram, Alwaye and their workmen represented by C.B.Z. Employees Union, C.B.Z. Staff and Workers Association, C.B.Z. Workers Federation, C.B.Z. Employees Association and C.B.Z. Employees Organisation, Binanipuram, Alwaye over the question of lay off compensation during the year 1974 and termination of services of Sri M. A. Kuruvilla. The parties to the dispute agreed to refer the dispute to the arbitration of Sri K. Balakrishna Panicker, Retd. Regional Joint Labour Commissioner, by an arbitration agreement under Section 10A of the Industrial disputes Act 1947. The said arbitration agreement was published in Kerala Gazette dated 9th June, 1981 in pursuance of sub section (3) of Section 10A of the Industrial Disputes Act, 1947 by Government notification No. 9716/A2/81/LBR dated 8th May, 1981.

The specific matters in dispute are the following:

(1) Lay off compensation during the year 1974.

(2) Termination of services of Mr. M. A. Kuruvilla.

1st Issue—Lay off compensation during the year 1974.

The five unions jointly submitted a statement of their case on 9-7-1981. The unions' case on the matters referred for arbitration are the following. 185 workers in the Electrolytic, Leaching, Melting, Research and development sections of the Company were laid off without compensation from 19-12-1974 to 10-1-1975. The reasons given by the management for the lay off without compensation was that the workers had deliberately gone on a go-slow policy with regard to the work in these sections. Actually the workers had not adopted any go-slow policy. The Management resorted to lay off without compensation deliberately to victimise the workers.

From the inception, in each department or section there was a change room for the workers to change their dress and bath rooms for taking bath after the work which would make their bodies covered with full of dust and carbon It was impossible to go home after the work without taking bath and so the foreigners who had installed the plant and commissioned it, had designed the bath room and change rooms for the convenience of the workers. As the production increased and the number of workers increased consequently, the number of bath room in each department was also increased. In the electrolytic plant, where there were two bath rooms in the beginning, it was increased to six subsequently. Similarly in other departments also the number of bath rooms were increased to 4 and 5. The bath rooms were provided only to ward off the diseases arising out of the work in these plants. In the Roaster plant hot water was given for bath because of the high temperature in which the workmen were working. The Regional Labour Institute, Madras and the Central Labour Institute, Bombay made an environmental study in the company and some of their

recommendations were implemented partly. The Management had agreed to construct five bath rooms near the plants in the settlement brought about by the Deputy Labour Commissioner, Ernakulam that ended the lay off without compensation from 10-1-1975. It would be clear that the Management's action in taking away the facilities of bathing and cleaning working dress, following the withdrawal of strike in 1973 as a reprisal measure was vindictive and not at all justifiable. Due to the stoppage of these facilities and reducing the number of water taps, the workers had to take more time for cleaning their hands and bodies and to wash their working dress and this had resulted in the lowering of the production. This could not be dubbed as a deliberate go-slow on the part of the workers. It is a management made development and the workers could not be blamed for it. Hence the workmen are entitled to full wages for this period of lay off from 19-12-1974 to 10-1-1975.

Since this periodical lay off fell in two years the workers had also lost their attendance bonus for the years 1974 and 1975. As per the settlement on attendance bonus, the workers are entitled to attendance bonus when they are laid off with compensation, provided they were not absent on loss of pay for other reasons. As the workers were laid off without compensation and the period was treated as absence on loss of pay, they were not given attendance bonus for the years 1974 and 1975. As the lay off was illegal, unjustifiable and vindictive the workers are entitled for attendance bonus for this period.

The details of the period of lay off and workmen involved, as per the statement of the unions are as follows:

Electrolytic Plant :

First Batch	— 5 workers	— 19-12-1974 to 10-1-75 (22 days)
Second Batch	— 5 workers	— 21-12-1974 to 10-1-75 (20 days)
Third Batch	— 62 workers	— 28-12-1974 to 10-1-75 (13 days)
Fourth Batch	— 17 workers	— 30-12-1974 to 10-1-75 (11 days)

Leaching Plant :

47 workers — 31-12-1974 to 10-1-75 (11 days)

Research and Development :

15 workers — 8-1-1975 to 10-1-75 (2 days)

Melting Plant :

34 workers — 8-1-1975 to 10-1-75 (2 days)

Number of workers in	Electrolytic Plant	— 89
Do.	Leaching	— 47
Do.	Research & Development	— 15
Do.	Melting	— 34
	Total No. of workmen affected	— 185

Second Issue : *Termination of the services of Sri M. A. Kuruvilla* :

Sri M. A. Kuruvilla, Senior Assistant in the Personnel department was removed from the services of the company by an order of the General Manager dated 10-5-1980. It is said that he was granted sick leave from 8-4-1980 to 13-4-1980 on Medical Certificate sent by him from E. S. I. Medical Officer, Alwaye and since then upto 10-5-1980 he had neither reported for duty nor applied for extension of leave. As per clause IX (c) of the certified standing orders of the company he was deemed to have left the services of the company for absenting for more than 7 days and his name was struck off. Sri Kuruvilla was under treatment at the E. S. I. Dispensary for severe hypertension and chronic amoebic hepatitis for the period from 7-4-1980 to 15-5-1980. The first medical certificate issued to him by the Medical Officer was for the period from 7-4-1980 to 10-4-1980. He was certified fit for duty on 11-4-1980. He did not completely recover from sickness on 11-4-1980 and so he again went to the Insurance Medical Officer to continue the treatment. He was granted leave for 3 days from 11-4-1980 giving information of sickness to the employer for continuity of treatment and leave without sickness benefit, for which he was not entitled to. This medical certificate was also sent to the employer in time. The Medical Certificate was only an information to the employer to show that the employee continues to be on sick leave and it was not a fitness certificate for the period after 11-4-1980. The Insurance Medical Officer did not issue him any interim certificate, since there is no provision to issue such a certificate to insured persons who are not entitled to for sickness benefits. Such persons will be issued only a fitness certificate when they are fit to resume duty. Mr. Kuruvilla had sent a fitness certificate, when it was received by him on 13-5-1980 declaring him fit for duty from 16-5-1980.

The order terminating the service of Sri Kuruvilla was based on clause IX (c) of the certified standing orders of the Company and this clause is not applicable in cases of leave granted under E.S.I. Scheme. It is applicable only to absence without the extension of leave already granted for seven days or more. In the instant case Mr. Kuruvilla was under E.S.I. leave from 7-4-1980 which was an authorised leave and the extension thereon based on the certificate forwarded then and there. Hence the striking off the name of Kuruvilla from the rolls of the company under clause IX (c) of the standing orders is unjustifiable.

Under the provisions of the E.S.I. Act the services of an employee cannot be terminated nor his name struck off from the rolls for absence under the provisions of the standing orders, when he is under sick leave granted by the E.S.I. Medical Officer. Hence the striking off the name of Sri Kuruvilla from the rolls of the company is illegal. Hence he may be re-instated in service with full arrears of wages with effect from 16-5-1980.

Issue No. 1: *Lay off compensation*:

The management in their statement dated 28-7-1981 contends that the Skinning Crew in the Electrolytic plant adopted go-slow tactics from 6-11-1974, resulting in low production under the pretext of shifting of plant

bath room facilities to the newly constructed premises in April 1974. They watched the situation for a week and since there was no improvement, advised the workers in Electrolytic plant by notice dated 12-11-1974 to refrain from go-slow tactics, failing which they would be laid off without compensation. Despite this advise go-slow continued affecting production. Hence they advised the workers by another notice dated 18-12-1974, that if normalcy was not restored forthwith workers would be laid off without compensation. As the workers ignored the advice of the management and continued go-slow tactics, five workers were laid off without wages from 19-12-1974 and another batch of five workers were laid off from 21-12-1974. As the go-slow continued the rest of the Skinning Crew and general workers were laid off from 28-12-1974 and 30-12-1974.

Consequent to stoppage of production in Electrolytic plant, work in Leaching plant, Melting plant and Research and Development department was also affected and the workers in these sections were laid off on 31-12-1974 and 8-1-1975. On the whole 185 workers belonging to Electrolytic plant, Leaching plant, Melting plant and Research and Development were laid off without wages during different periods from 19-12-1974 to 16-1-1975. If the Electrolytic plant does not function, it may affect the subsequent processes adversely. There will be a hold up of electrolyte in the leaching plant which will lead to compulsory shut down of the leaching plant. It will further lead to holding up of Calcine which will end up to compulsory shut down of the roaster plant. In such a situation there will not be any samples from the plant for regular analysis and the Research and Development department will have no work to perform. Besides, there will be no Cathode Zinc to feed the melting plant.

The question of lay off was discussed before the Deputy Labour Commissioner, Ernakulam and the lay off was lifted on 10-1-1975. A written agreement was signed on 16-1-1975. It was agreed therein that the question of lay off compensation would be discussed later. Subsequent discussions did not yield any solution. The unions raised the question of lay off compensation in their 1978 charter demands. The parties agreed to refer the issue for arbitration.

The lay off was declared consequent to the go-slow by the workmen. So they are not entitled for wages under Section 25 E (iii) of the Industrial Disputes Act, 1947. The management provided a modern change room/bath facilities with the sole interest to make available for the workmen better facilities. Instead of taking it in the correct sense; they chose to resort to slowing down of production which only resulted in the lay off without compensation after adequate advance cautioning. Hence the workmen have no right to ask for wages for the period they were laid off.

The Management holds that the question of attendance bonus raised in the statement of the unions is beyond the purview of the present arbitration. They also contend that attendance incentive cannot overlook the period of non-attendance during lay offs which the workers forced upon themselves by precipitate action.

Item No. 2: Termination of Mr. M. A. Kuruvilla:

Mr. Kuruvilla was granted leave on medical grounds from 8-4-1980 to 10-4-1980 and from 11-4-1980 to 13-4-1980 on the basis of information of sickness from the E.S.I. Medical Officer, Alwaye. On the expiry of leave on 13-4-1980, he neither reported for duty nor applied for extension of leave nor sent information of sickness from E.S.I. According to the certified standing orders of the Company, a workman shall be deemed to have left the service of the company on his own accord, who (a) absent himself without permission continuously for more than eight days or (b) having been granted leave, fails to report within 7 days of the expiry of his leave, unless the leave is extended in which case within seven days of such extended period.

Mr. Kuruvilla should have reported for duty atleast on 20-4-1980. He did not do so. The Company had to issue him a letter notifying his abandonment of job. He lost his lein on his job. There was no positive act on the part of the management. There was no malafide intention on the part of the management which acted strictly in accordance with the certified standing orders of the company.

The unions examined five witnesses and marked 7 documents. The management examined three witnesses and marked 15 documents.

I have carefully gone through the evidence recorded and documents marked by each parties.

The issue number one relates to the claim for lay off compensation to the workmen in Electrolytic plant, Leaching plant, Research and Development and Melting plant, when they were laid off without compensation for different periods, in the months of December 1974 and January 1975. There is no dispute regarding the declaration of the lay off or regarding the different periods during which it was declared in the affected department. The dispute centres round the question, whether it was declared by the management as a consequence of the go-slow tactics adopted by the workmen. According to the management, the workmen deliberately adopted go-slow methods and brought down production in the Electrolytic plant as protest against the changes introduced in the washing and bathing facilities. Their intention was to provide modern change rooms and bath facilities, to their workmen. They taught that the workmen will gladly avail the better facilities granted by the management. But instead of taking it in the correct sense, they insisted the continuance of the available facilities and when they failed to have it as they desired, they resorted to go-slow tactics. The management repeatedly advised the workmen to give up go-slow tactics and restore normal production in the plant. According to the management witnesses the shifting of bath room has nothing to do with the efficiency and production in the plant. The workmen in the Electrolytic plant have excess time to attend to the needs like taking bath and washing of working dress. MW 2 in his disposition says that there is plenty of time available to take bath and wash working dress after completing their normal

duties and achieving normal production. The other management witnesses also deposed in the same line. The statement of production Ex. M 13 also indicate that there was a fall in production in certain department on certain days.

As per clause 15 of the settlement dated 5-8-1972, the management had agreed to provide a central rest room for the workmen in the place of the existing one not later than June 1973. Accordingly the management constructed the central rest room. There was strike in the establishment in 1973 for about 3 months. The strike was subsequently withdrawn. By August-September 1974 the management demolished the bath room facilities in the Electrolytic plant. Even after the commissioning of the central bath room, the workmen in the Electrolytic plant were continuing to use the five or six bath room available to them in the plant. The bath rooms were provided in the plant as a result of the discussion between the Management and the unions on the basis of the recommendations of the Central Labour Institute. In fact the Institute was authorised to study the working conditions in the factory and give a report on the basis of an understanding between the managemont and the unions. These are borne out by the deposition of W.W. 3 Mr. Francis. It was based on this report Ex. W 5, that negotiation took place between the management and the unions the bath room facilities were increased. The management wanted to stop all these facilities because they were feeling that workers were wasting their time in washing clothes and taking bath. They also contend that because of the peculiar situation prevailing towards the end of 1974, the management decided to abolish all the bath room facilities in the plant. Naturally the workers protested against this, while the management tried to justify their action under clause 15 of the settlement dated 5-8-1972. Clause 15 of this settlement does not authorise the management to stop the existing bath room facilities. The agreement pertains only to the rest rooms and it had not envisaged to stop the bath room facilities and water taps in the Electrolytic plant. The workmen wanted the continuance of the bath room and washing facilities in the plant. As the management was in no mood to restore the bath rooms in the plant, the workers had to continue working as they were doing before. Before the abolition of the bath rooms and water taps in the plant, the workers were taking bath, washing their working dress, washing hands, cleaning hands and exposed portions of the body in the bath rooms and water taps provided in the plant. After the abolition of bath rooms and water taps except a few ones in the tea room in the plant, the workers were taking more time. The time taken by the workers for taking bath, washing dress, and washing hands, etc. before the lunch had increased considerably. The workmen had to walk forward and backward to the central rest room which ultimately reduced the actual working time. In short in December 1974 and January 1975 the effective working time was about 45 minutes less than what it was when bath rooms were available in the plant. W.W.3 deposed to say that because of the reduction in the effective working time, there was a decrease in the skinning and cleaning of the cells. The unions also contented that it was

to stop this action of the workers of taking more time for their personal needs, the management declared lay off without compensation The deposition of M. W. 2 that the abolition of the bath room had not in any way affected the needs of the workers. M.W. 2 in his deposition say that the central rest room is almost one to one and a half furlong away from the plant. WW. 3 and WW. 4 have deposed to say that the workers could have access to the Central Rest Room only after punching out. The new system had deprived the workers of their actual working time. Reduced rate of production was therefore the result of the additional time taken by the workers for taking bath and washing their dress. Hence there was no deliberate go-slow by the workers. Any fall in production are left over skinning work were solely due to the reduced working time available in these months.

There is no doubt that there was fall in production in December 1974 and January 1975. Removing of bath room and water tap facilities in the plant had a direct bearing to the available working time. The denial of the existing facilities aggrevated the situation. From the evidence on record I am inclined to believe that the workmen had to spend more time for taking bath and washing working dress, because the Central Rest Room was cut off from the plant premises. Even though the unions have claimed that the workmen were deprived of about 45 minutes in their effective working time, I can rightly infer that there was a sizeable reduction in the effective working time of the workmen in the plant. Hence it is not correct to hold that the fall in production was solely due to the deliberate go-slow methods adopted by the workmen. To that extent the go-slow has not been proved conclusively.

The unions' claim for full wages for this period during which workmen were laid off is not sustainable. It was a clear case of lay off and the workmen are entitled to get lay off compensation as provided under the provisions of the Industrial Disputes Act, 1947.

Mr. M. A. Kuruvilla was under medical treatment for the period from 7-4-1980 to 15-5-1980. The first medical certificate issued to him by the Medical Officer of the E.S.I. was for the period from 7-4-1980 to 10-4-1980. Even though he was certified to be fit for duty on 11-4-1980, he was not completely recovered from sickness. He was, therefore, granted leave for three days from 11-4-1980 giving information of sickness to the employer for continuity of treatment and leave without sickness benefit. Sri Kuruvilla again sent a fitness certificate when it was received by him on 13-5-1980 declaring him fit for duty from 16-5-1980. It was also contended that the services of an employee cannot be terminated nor his name removed from the rolls for absence under the provisions of the Standing Orders, when he is under sick leave granted by the E. S. I. Medical Officer, the provisions of the standing orders are not applicable to the workman under the E. S. I. leave.

It is true that Sri Kuruvilla had submitted E. S. I. certificates to the management and it is marked as Ex. M 3, M 4 and M6. Ex. M 4 covers only upto 10-4-1980. Ex. M 4 covers from 11-4-1980 to 14-4-1980. After

14-4-1980, there was no intimation from Mr. Kuruvilla what so ever regarding his absence. He sent a fitness certificate dated 13-5-1980 with a covering letter that he would join duty from 16-5-1980 (M. 7). As he absented himself without information after 14-4-1980 the Management had to take action against him for his absence. They waited till 10-5-1980. Even then there was no information from him. So management sent a letter intimating him that he lost his lein with effect from 10-5-1980 as he over stayed his leave for more than 7 days from 14-4-1980 in accordance with clause 9 (c) of the Companies Certified Standing Orders. If he had been suffering from any sickness for more than 7 days he should have sent an interim medical certificate under Regulation 59 of the E. S. I. Scheme. Mr. Kuruvilla contends that he had sent a personal letter to the then Industrial Relations Manager about his sickness. The latter was not produced nor the then Industrial Relations Manager examined. He was not consistent about the date on which communications were received from the Management. He has also not produced any conclusive or convincing proof to show that he was on E. S. I. leave from 14-4-1980 to 15-5-1980. The contention that no employee should be removed from service or his name struck off while he is on E. S. I. will not help Mr. Kuruvilla as he was not on E. S. I. leave at the time when his services were terminated for long absence and over stayal of leave under the provisions of the certified standing orders of the company.

For the reasons stated above I am inclined to hold that the termination of Sri M. A. Kuruvilla under the provisions of the certified standing orders is in order.

In the result I hold that :

(1) The workmen are entitled to lay off compensation, when they were laid off in the months of December 1974 and January 1975. The compensation shall be paid as per the provisions of the Industrial Disputes Act, 1947.

(2) The termination of Sri M. A. Kuruvilla under the provisions of the certified Standing Orders are in order.

Decided accordingly.

K. Balakrishna Panicker,
Arbitrator.

List of union witnesses :

1. W.W. 1 — M. A. Kuruvilla
2. W.W. 2 — John P. Thomas
3. W.W. 3 — M. J. Francis
4. W.W. 4 — P. K. Lohidakshan

List of management witnesses :

1. M.W. 1 — Jose Mathew
2. M.W. 2 — T. J. Pappachan
3. M.W. 3 — T. N. D. Pillai.

GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 16941/Leg. Pbn. 2/81/Law. *Dated, Trivandrum, 17th November* 1981.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II, Section 1, dated the 29th September, 1981, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 28th September, 1981.

By order of the Governor,
K. VISWANATHAN NAIR,
Special Secretary (Law).

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1981

(No. 43 of 1981).

An

Act

further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Merchant Shipping (Amendment) Act, 1981.

2. *Amendment of section* 21.—In section 21 of the Merchant Shipping Act, 1958 (44 of 1958) (hereinafter referred to as the principal Act),—

(i) in the opening portion, for the word "either", the word "any" shall be substituted;

(ii) in clause (b), the word "or" shall be added at the end;

(iii) after clause (b), the following clause shall be inserted, namely:—

"(c) a co-operative society which satisfies the following requirements, namely:—

(i) the co-operative society is registered or deemed to be registered under the Co-operative Societies Act, 1912, (2 of 1912) or any other law relating to co-operative societies for the time being in force in any State;

(ii) every individual who is a member of the co-operative society and where any other co-operative society is a member thereof, every individual who is a member of such other co-operative society, is a citizen of India."

3. *Amendment of section* 25.—In clause (e) of section 25 of the principal Act, after the words "a company", the words "or a co-operative society" shall be inserted.

4. *Amendment of section* 26.—In section 26 of the principal Act, after the words "a company" at both the places where they occur, the words "or a co-operative society" shall be inserted.

5. *Amendment of section* 29.—In section 29 of the principal Act,—

(i) in the opening portion, after the words "a company", the words "or a co-operative society" shall be inserted;

(ii) in clause (a), for the words, brackets, letter and figures "or in the case of a company, whether the company satisfies the requirements specified in clause (b) of section 21", the words, brackets, letters and figures "or in the case of a company or a co-operative society, whether the company or the co-operative society satisfies the requirements specified in clause (b) or, as the case may be, clause (c) of section 21" shall be substituted;

(iii) in clause (d), after the words "the company", the words "or the co-operative society" shall be inserted.

6. *Amendment of section* 45.—In subsection (2) of section 45 of the principal Act, for the words, brackets, letter and figures "or any company which satisfies the requirements specified in clause (b) of section 21", the words, brackets, letters and figures "or any company or any co-operative society which satisfies the requirements specified in clause (b) or, as the case may be, clause (c) of section 21" shall be substituted.

7. *Amendment of section* 406.—In subsection (1) of section 406 of the principal Act, after the words "or a company" at both the places where they occur, the words "or a co-operative society" shall be inserted.

8. *Amendment of section* 407.—In subsection (1) of section 407 of the principal Act, for the words, brackets, letter and figures "or a company which satisfies the requirements specified in clause (b) of section 21", the words, brackets, letters and figures "or a company or a co-operative society which satisfies the requirements specified in clause (b) or, as the case may be, clause (c) of section 21" shall be substituted.

9. *Amendment of section* 415.—In section 415 of the principal Act, for the words, brackets, letter and figures "or a company which satisfies the requirements specified in clause (b) of section 21" the words, brackets, letters and figures "or a company or a co-operative society which satisfies the requirements specified in clause (b) or, as the case may be, clause (c) of section 21" shall be substituted.

10. *Amendment of section* 431.—In subsection (1) of section 431 of the principal Act for the words, brackets, letter and figures "or a company which satisfies the requirements specified in clause (b) of section 21", the words, brackets, letters and figures "or a company or a co-operative society which satisfies the requirements specified in clause (b) or, as the case may be, clause (c) of section 21" shall be substituted.

11. *Amendment of section* 441.—In section 441 of the principal Act, in clause (a) of the *Explanation*, for the works ' "company" includes a firm', the words "company" includes a co-operative society, a firm' shall be substituted.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 36827/TC2/81/TF&P. *Dated, Trivandrum,* 1st *March* 1982.

S. R. O. No. 560/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri M. K. Sadandan, Muchan House, Cochin-18 that the vehicle tax for the quarters ended on the 31st March, 1981 and 31st December, 1981 in respect of the stage carriage bearing Registration No. KRE. 2194 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarters ended on the 31st March, 1981 and 31st December, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 31st March, 1981 and 31st December, 1981 in respect of the said Stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarters ended on the 31st March, 1981 and 31st December, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 15th December, 1981 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
P. SANKARAN NAIR,
Additional Secretary.

[PTO.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received certain representations from the Stage Carriage Operators as shown in the annexure requesting extension of time for payment of Vehicle tax for the quarters ended 31st March, 1981 and 31st December, 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 38918/TC2/81/TF&P. *Dated, Trivandrum,* 16*th March* 1982.

S.R.O. No. 561/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri John Kuruvila, Valiyaveetil House, Pallypottu, Ernakulam that the vehicle tax for the quarter ended on the 30th September, 1981 in respect of the Stage Carriage bearing Registration Number KRK. 4426 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of Vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operators of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th September, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarters ended on the 30th September, 1981 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th September, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 31st January 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW., dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572, dated the 29th September, 1975.

By order of the Governor,

P. SANKARAN NAIR,

Additional Secretary.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification):

Government has received representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarters ended 30th September 1981 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Agriculture (Co-operation) Department

ORDER

G.O. (P). No. 875/82/AD. *Dated, Trivandrum, 27th March* 1982.

S. R. O. No. 502/82.—Whereas under the provisions of item (v) of sub-rule (1) of rule 186 of the Kerala Co-operative Societies Rules, 1969, no person shall be eligible for appointment to a post with starting pay below Rs. 100 in a Co-operative Society unless he possesses the qualification of Seventh Standard;

And whereas the Guruvayoor Co-operative Urban Bank Ltd. No. F-1652 has resolved to appoint, Shri P. K. Ramachandran, son of Shri P. V. Krishnankutty, former Cashier of the Bank who died in harness, as Peon in the said Bank on compassionate grounds;

And whereas Shri P.K. Ramachandran does not possess the qualification of Seventh Standard prescribed for the post with the starting pay below Rs. 100;

And whereas the said Bank has requested Government to exempt it from the provisions of item (v) of sub-rule (1) of rule 186 of the Kerala Co-operative Societies Rules, 1969 for the purpose of enabling the Bank to appoint Shri P. K. Ramachandran as Peon in the Bank;

And whereas the Government consider it necessary in the public interest to exempt the Guruvayoor Co-operative Urban Bank Ltd. No. 1652 from the provisions of item (v) of sub-rule (1) of rule 186 of the Kerala Co-operative Societies Rules, 1969, for the purpose of enabling the said Bank to appoint Shri P. K. Ramachandran as Peon in the said Bank;

Now, therefore, in exercise of the powers conferred by rule 181 of the Kerala Co-operative Societies, Rules, 1969, the Government of Kerala hereby exempt the Guruvayoor Co-operative Urban Bank Ltd. No. 1652 from the provision of item (v) of sub-rule (1) of rule 186 of the said Rules for the limited purpose of enabling the said Bank to appoint Shri P. K. Ramachandran, Pandikasala Parambil Veedu, Guruvayoor Karakkad, Guruvayoor, P. O., Trichur District as a Peon in the said Bank.

By order of the Governor,

A. T. MOHAMEDUNNY,
Additional Secretary.

G. 344

[P. T. O.]

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Guruvayoor Co-operative Urban Bank Ltd. No. 1652, has resolved to appoint Shri P. K. Ramachandran, son of late Shri P. V. Krishnankutty, who was an employee of the Bank, as a peon on compassionate grounds. As Shri P. K. Ramachandran is not having the requisite qualification to get appointment in that post, Government have decided to exempt the said Bank from the resoective provision of the Rules to enable the Bank to appoint Shri P. K. Ramachandran as Peon in the Bank. This notification is intended to achieve this purpose.

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. G. O. (Rt.) 285/82/LBR. *Dated, Trivandrum*, 22nd *March* 1982.

S.R.O. No. 563/82.—Whereas the Government are satisfied that the circumstances of the case are such that it would be just and proper to exempt the establishment Kalpaka Bazar, Calicut, from the provisions of section 20 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960);

Now, therefore, in exercise of the powers conferred by section 5 of the said Act, the Government of Kerala hereby exempt the said establishment, from the provisions of section 20 of the said Act, for a period of three months from the date of publication of this notification, subject to the condition that no women employee shall be required or allowed to work in the said establishment after 8 p. m.

By order of the Governor,
V. Krishnamurthy,
Secretary.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport).

The Managing Partner, Kalpaka Bazar, Calicut has requested Government that exemption from the provisions of section 20 of the Kerala Shops & Commercial Establishments Act, 1960 may be granted to their Show Room subject to the condition that the women workers will not be required to work beyond 8 p.m. Government have examined the matter and are pleased to grant exemption for a period of 3 months, as the circumstances of the case are such that it would be just and proper to do so, having regard to the nature and capacity of the establishment.

The Notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Public Works and Electricity Department

NOTIFICATION

No. 2116/ELA2/82/PW&E. *Dated, Trivandrum, 23rd March* 1982.

S. R. O. No. 564/82.—In exercise of the powers conferred by section 17 of the Electricity (Supply) Act, 1948, (Central Act, 54 of 1948), read with rule 19 of the Kerala State Electricity Board Rules, 1967, the Government of Kerala hereby make the following amendments to the notification G. O. Rt. No. 1293/80/PW&E dated the 30th August, 1980, published as S. R. O. 1000/80 in Part I of the Kerala Gazette No. 44 dated the 4th November, 1980, namely:—

AMENDMENTS

In the Schedule to the said notification:—

(1) Under the main heading "X Divisional Local Advisory Committee, Electrical Division, Vaikom", in the entries under the sub-heading "(iii) Sub Divisional Local Advisory Committee, Electrical Sub-Division, Ettumanoor", after item 18, the following item shall be added, namely:—

"19. President, Kadaplamattom Panchayat.";

(2) Under the main heading "XXXII. Divisional Local Advisory Committee, Electrical Division, Cannanor," in the entries under the sub-heading "(V) Sub Divisional Local Advisory Committee, Electrical Subdivision, Thaliparamba", after item 27, the following item shall be added, namely:—

"28, President, Udayagiri Panchayat.".

By order of the Governor,
N. CHANDRASEKHARAN NAIR,
Secretary.

Explanatory Note

(This note is not part of the notification, but is intended to indicate its general purport).

In notification G. O. Rt. No. 1293/80/PW&E dated 30th August 1980, Government have constituted Local Advisory Committees for the Division and Subdivision under the Kerala State Electricity Board. The Presidents of Udayagiri Panchayat and Kadaplamattam Panchayat have represented to Government that they are not included in the Electricity Board Local Advisory Committee since these two panchayats are newly created. They have therefore requested to include them also in the Kerala State Electricity Board Local Advisory Committee of Ettumanoor and Thaliparamba respectively. This notification is intended to achieve the above object.

Kerala Gazette No. 18 dated 4th May 1982.
PART I **Section iv**

കേരള സർക്കാർ

റവന്യൂ (ബി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 14429/ബി1/82/ആർഡി. തിരുവനന്തപുരം, 1982 ഏപ്രിൽ 2.

എസ്. ആർ. ഒ. നമ്പർ 565/82—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം 1-ാം ഖണ്ഡം മൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് ഇൻഡ്യൻ രാഷ്ട്രപതി, 1963 ജൂൺ 8-ാം തീയതിയിലെ ഇൻഡ്യാ ഗസററ് 2-ാം ഭാഗം 3 (ii) വകുപ്പിൽ 1963 മേയ് 31-ാം തീയതിയിലെ എസ്. ഒ. 1543 ആയി പ്രസിദ്ധപ്പെടുത്തിയ ഇൻഡ്യാ സർക്കാർ ആഭ്യന്തരമന്ത്രി കാര്യാലയത്തിലെ 2/4/62 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം, കേരളാ സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യങ്ങൾക്കായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി. ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിനുവേണ്ടി അതായത്, വിക്രം സാരാഭായ് സ്പേസ് സെൻററിന് നൽകിയിട്ടുള്ള വലിയമല റേഞ്ചിലേക്ക് ഒരു റോഡ് നിർമ്മിക്കുന്നതിനുവേണ്ടി ആവശ്യമുണ്ടെന്നോ ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ, കേരള സർക്കാരിനു തോന്നുന്നതിനാലും;

ഇപ്പോൾ, അതിനാൽ, അതിനുള്ള നോട്ടീസ് അതുമായി ബന്ധപ്പെട്ട എല്ലാപേർക്കും പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകുന്നു.

പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ററ്, 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ ഈ സംഗതിയിൽ ബാധകമാകുന്നതല്ല എന്ന് കേരള സർക്കാർ ഇതിനാൽ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പട്ടിക

ജില്ല—തിരുവനന്തപുരം

താലൂക്ക്—നെടുമങ്ങാട് വില്ലേജ്—നെടുമങ്ങാട്

ക്രമനമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ആർ	ച. മീററർ
1	341/ഭാഗം	പുരയിടം	01	62
2	385/ഭാഗം	പുരയിടം	04	05
3	387/ഭാഗം	നിലം	08	90
4	438/ഭാഗം	നിലവും പുരയിടവും	04	05
			18	62

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,
കെ. നാരായണൻ,
ഡെപ്യൂട്ടി സെക്രട്ടറി.

[P.T.O.]

വിശദീകരണക്കുറിപ്പ്

(ഇതു വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റിലെ (1962-ലെ 21-ാം ആക്റ്റ്) വ്യവസ്ഥകരം അനുസരിച്ച് വിക്രം സാരാഭായ് ശൂന്യാകാശകേന്ദ്രത്തിനു നൽകിയിട്ടുള്ള വലിയമല റേഞ്ച് പ്രദേശത്തേക്ക് ഒരു കുറുക്ക് റോഡ് നിർമ്മിക്കുന്നതിന് 18 ആർ 62 ചതുരശ്രമീറ്റർ സ്ഥലം പൊന്നുംവിലയ്ക്കെടുക്കുന്നതിന് ഒരു പദ്ധതിയുണ്ട്. ഈ ജോലി രാജ്യത്തിന്റെ പ്രതിരോധവുമായി ബന്ധപ്പെട്ടതും പൊതുജനങ്ങളുടെ സാമൂഹ്യസാമ്പത്തിക ഉന്നമനലക്ഷ്യം വച്ചുകൊണ്ടുള്ളതുമായ ദേശീയപ്രാധാന്യമുള്ള ഒന്നാണ്. ആയതിലേക്ക് ലക്ഷ്യമായിട്ടുള്ള ഈ പദ്ധതി 24 മാസത്തിനുള്ളിൽ നടപ്പിലാക്കേണ്ടതാണ്. വലിയ ഭാരം കൂടിയ മെഷീനുകളും ഉപകരണങ്ങളും വലിയമല റേഞ്ചിലേക്ക് കൊണ്ടുപോകുവാനുള്ള ഗതാഗത സൗകര്യം ഇന്നില്ല. ആയതിലേക്ക് റോഡ് നിർമ്മിക്കുന്നതിനുള്ള സ്ഥലം ഉടനടി ആവശ്യമുണ്ട്. മേൽക്കാണിച്ച ദേശീയ പ്രാധാന്യം പരിഗണിച്ച് സ്ഥലം സ്പേസ് സെന്റർ അധികൃതർക്ക് മുൻകൂർ കൈമാറ്റം ചെയ്യുന്നതിന് ആക്റ്റിന്റെ അടിയന്തിര പരിഗണന ഇതിലേക്ക് ആവശ്യമാണെന്നു കരുതുന്നു. മേൽപ്പറഞ്ഞ ആവശ്യം സാധിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 84423/B1/81/RD. *Dated, Trivandrum, 3rd March* 1982.

S. R. O. No. 566/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from acquisition of the land mentioned in the Schedule hereto annexed in respect of which Notification No. K4-31193/80 dated the 5th July 1980, under subsection (1) of section 3 of the said Act has been issued by the Deputy Collector (Land Acquisition) Collectorate, Trivandrum and published at pages 2238 and 2239 in Part III of the Kerala Gazette dated the 14th October, 1980.

SCHEDULE

District—Trivandrum

Taluk—Trivandrum *Village*—Kazhakuttom-Menamkulam

Survey No.—K. 593/Part
Description—Dry land
Extent—0.05 *Are* 87 *Squaremetre*

Explanatory Note

(This is not part of the Notification, but is intended to indicate its general purport.)

Land Acquisition proceedings on the lands mentioned in the schedule were initiated for the construction of Assistant Educational Officer's Office Kaniapuram. But Government in their letter No. 18667/B3/81/RD dated 3-10-1981 ordered to drop the Land Acquisition proceedings. Hence it was necessitated to withdraw from the acquisition. This notification is intended to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 566/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരള സർക്കാർ ഇതോടൊപ്പം ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും തിരുവനന്തപുരം കളക്ടറേറ്റിലെ ഡെപ്യൂട്ടി കളക്ടർ (സ്ഥലമെടുപ്പ്) 1980 ഒക്ടോബർ 14-ാം തീയതിയിലെ കേരള ഗസറ്റ് 3-ാം ഭാഗത്ത് 2238-ം 2239-ം പേജുകളിൽ പ്രസിദ്ധപ്പെടുത്തിയ, പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1980 ജൂലൈ 5-ാം തീയതിയിലെ കെ. 4-31193/80 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—തിരുവനന്തപുരം.

താലൂക്ക്—തിരുവനന്തപുരം. വില്ലേജ്—കഴക്കൂട്ടം-മേനംകുളം.

സർവ്വെ നമ്പർ—കെ. 593/ഭാഗം
വിവരണം—പുരയിടം
വി.സ്തീർണ്ണം—05 ആർ. 87 ച. മീ.

വിശദീകരണക്കുറിപ്പ്

(ഇത് പരസ്യത്തിന്റെ ഭാഗമല്ല, പരസ്യത്തിന്റെ പൊതു ഉദ്ദേശം ചൂണ്ടിക്കാണിക്കാനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

കണിയാപുരം എ. ഇ. ഒ. ആഫീസ് കെട്ടിടം നിർമ്മിക്കുന്നതിനുവേണ്ടി പൊന്നുംവിലയ്ക്ക് ഭൂമി എടുക്കുവാൻ നടപടി ആരംഭിച്ചിരുന്നു. ടി പട്ടികയിൽ പറയുന്ന സ്ഥലം കേരള സർക്കാരിൽ നിന്നും 3-10-1981-ാം തീയതിയിലെ 18667/ബി3/81 പ്രകാരം പൊന്നുംവില നടപടികൾ തുടർന്ന് നടത്തേണ്ടതില്ലെന്ന് തിരുവനന്തപുരം ജില്ലാ കളക്ടറെ അറിയിച്ചു. ഈ സാഹചര്യത്തിൽ പിൻവാങ്ങൽ പരസ്യം അനിവാര്യമായിത്തീർന്നിരിക്കുന്നു.

By order of the Governor,
U. MAHABALA RAO,
Special Secretary.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 50642/B1/79/RD. *Dated, Trivandrum, 2nd March* 1982.

S. R. O. No.567/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of land mentioned in the schedule hereto annexed in respect of which Notification No. B1-14492/76 dated the 17th February, 1977 under subsection (1) of section 3 of the said Act has been published at pages 1297 and 1298 of Part III of the Kerala Gazette dated the 26th April 1977 and the declaration No. K. Dis. 26555/78/LRC dated the 12th July, 1978 under section 6 of the said Act has been published at pages 13 and 14 of Part III of the Kerala Gazette dated the 1st August 1978.

SCHEDULE

District—Trichur

Taluk—Chavakkad *Village*—Guruvayoor

Survey No.—43/10A-13
Description—Garden
Extent—0.0405 Hectare

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

The acquisition proposed was for shifting of kudikidappu under section 75 (3) of K. L. R. Act, in Iringappuram Village, Chavakkad Taluk of Trichur District. As per Government notification No. 22162/N/70/LRD dated 15-9-1970 (S. R. O. 368/70) the Revenue Divisional Officers concerned alone are competent to acquire lands for shifting kudikidappu under section 75 (3) of K.L.R. Act. The Revenue Board has pointed out that the Tahsildars are not authorised to acquire lands for shifting of kudikidappu and that the Revenue Divisional Officers shall be the Land Acquisition Officer in respect of all cases relating to acquisition of lands for shifting of kudikidappu. Hence the withdrawal from acquisition was necessitated. This notification is intended to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 567/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21), 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരം കേരള സർക്കാർ ഇതോടൊപ്പം ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും, 1977 ഏപ്രിൽ 26-ാം തീയതിയിലെ കേരള ഗസറ്റ് 3-ാം ഭാഗത്ത് 1297-ഉം 1298-ഉം വശങ്ങളിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള 1977 ഫെബ്രുവരി 17-ാം തീയതിയിലെ ബി1-14492/76 എന്ന നമ്പർ വിജ്ഞാപനവും 1978 ആഗസ്റ്റ് 1-ാം തീയതിയിലെ കേരള ഗസറ്റ് III-ാം ഭാഗത്ത് 13-ഉം 14-ഉം വശങ്ങളിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 6-ാം വകുപ്പു പ്രകാരമുള്ള 1978 ജൂലൈ 12-ാം തീയതിയിലെ കെ. ഡിസ്. 26555/78/എൽ. ആർ. സി. എന്ന നമ്പർ പ്രഖ്യാപനം പുറപ്പെടുവിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—തൃശ്ശൂർ.

താലൂക്ക്—ചാവക്കാട്. വില്ലേജ്—ഗുരുവായൂർ.

സർവ്വേ നമ്പർ—43/10 എ 13
വിവരണം—തോട്ടം
വിസ്തീർണ്ണം—0.0405 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇതു വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ പൊതുവുദ്ദേശം സൂചിപ്പിക്കാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

തൃശ്ശൂർ ജില്ല, ചാവക്കാട് താലൂക്കിലെ ഇരിങ്ങപ്പുറം വില്ലേജിലെ കേരള ഭൂപരിഷ്കരണ ആക്ടിലെ 75 (3) വകുപ്പു പ്രകാരമുള്ള കുടികിടപ്പ് മാററുന്നതിനായിരുന്നു സ്ഥലമെടുപ്പ് ഉദ്ദേശിച്ചിരുന്നത്. സർക്കാരിന്റെ 15-9-1970-ലെ 22162/എൻ/70 എൽ. ആർ. ഡി. എന്ന നമ്പർ വിജ്ഞാപന പ്രകാരം (എസ്. ആർ. ഒ. 368/70) കേരള ഭൂപരിഷ്ക്കരണ ആക്റ്റ് 75 (3) വകുപ്പനുസരിച്ച് കുടികിടപ്പ് മാററുന്നതിന് ഭൂമി വിലയ്ക്കെടുക്കാനുള്ള അധികാരം ബന്ധപ്പെട്ട റവന്യൂ ഡിവിഷണൽ ആഫീസർമാർക്കു മാത്രമുള്ളതാണ്. കുടികിടപ്പു മാററുന്നതിനായി ഭൂമി വിലയ്ക്കെടുക്കാൻ തഹസീൽദാർമാരെ അധികാരപ്പെടുത്തിയിട്ടില്ലെന്നും കുടികിടപ്പ് മാററുന്നതിനായി ഭൂമി വിലക്കെടുക്കുന്ന എല്ലാ സംഗതികളിലും റവന്യൂ ഡിവിഷണൽ ആഫീസർമാർ തന്നെയായിരിക്കണം സ്ഥലമെടുപ്പ് അധികാരി എന്നും റവന്യൂബോർഡ് ചൂണ്ടിക്കാണിക്കുകയുണ്ടായി. ആയതിനാൽ പൊന്നുംവില നടപടികളിൽ നിന്നും പിൻവാങ്ങൽ അനിവാര്യമായിത്തീർന്നു. മേൽ ഉദ്ദേശം സാധിക്കുന്നതിനു വേണ്ടിയുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

K. NARAYANAN,

Deputy Secretary.

GOVERNMENT OF KERALA

Local Administration and Social Welfare Department

WITHDRAWAL NOTIFICATION

G.O. (Rt.) No. 95/82/LA&SWD. *Dated, Trivandrum, 13th January* 1982.

S. R. O. No. 568/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962) the Government of Kerala, hereby withdraw from the acquisition of lands mentioned in the Schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Tahsildar and Land Acquisition Officer, Changanacherry by the issue of Notification No. B1-4881/78 dated the 18th December, 1978 under subsection (1) of section 3 thereof, published at page 412 of Part III of Kerala Gazette dated the 6th February, 1979.

SCHEDULE

District—Kottayam

Taluk—Changanacherry *Village*—Karukachal

Sy. No.—7/3A-2
Description—Dry Land
Extent—0.0091 hectares

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Executive Engineer, Public Health Division, Kottayam has requisitioned for the acquisition of lands mentioned in the schedule for the construction of a well-cum-pump house for the implementation of Water Supply Scheme to Karukachal Harijan Colony and the land acquisition proceedings were initiated by the Tahsildar, Changanacherry. Notification for the acquisition of 0.0091 hectare was published accordingly in the Gazette dated 6-2-1979, Part III, page 412. Subsequently the Executive Engineer, P. H. Division, Thiruvalla in his letter No. AB3-4259/78 dated 4-5-1979 has requested to drop the land acquisition proceedings, since they have selected another site for the construction of the well-cum-pump house. The Withdrawal Notification is meant to achieve this purpose.

എസ്. ആർ. ഒ. നമ്പർ 568 82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ചു ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1979 ഫെബ്രുവരി 6-ാം തീയതിയിലെ കേരള ഗസറ്റ് 3-ാം ഭാഗം 412-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു

പ്രകാരമുള്ള 1978 ഡിസംബർ 18-ാം തീയതിയിലെ ബി1/4883/78 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് ചങ്ങനാശ്ശേരി തഹസീൽദാരും ലാൻഡ് അക്വിസിഷൻ ആഫീസറും സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോട്ടയം

താലൂക്ക്—ചങ്ങനാശ്ശേരി

വില്ലേജ്—കറുകച്ചാൽ

സർവ്വെ നമ്പർ—7/3എ-2
വിവരണം—പുരയിടം
വിസ്തീർണ്ണം—0.0091 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

കറുകച്ചാൽ ഹരിജൻ കോളനിയിൽ ശുദ്ധജല വിതരണ പദ്ധതി നടപ്പിലാക്കുന്നതിനുവേണ്ടി ഒരു പമ്പ് ഹൗസും കിണറും പണിയുന്നതിന് പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി വിലയ്ക്കെടുക്കാൻ കോട്ടയം പബ്ലിക് ഹെൽത്ത് ഡിവിഷൻ എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ ആവശ്യപ്പെടുകയും അതനുസരിച്ച് ചങ്ങനാശ്ശേരി തഹസീൽദാർ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിക്കുകയും ചെയ്തു. അതനുസരിച്ച് 0.0091 ഹെക്ടർ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുവേണ്ടിയുള്ള വിജ്ഞാപനം 6-2-1979-ലെ കേരള ഗസററ് 3-ാം ഭാഗം 412-ാം പേജിൽ പരസ്യപ്പെടുത്തുകയും ചെയ്തു. പമ്പ് ഹൗസും കിണറും നിർമ്മിക്കുന്നതിന് മറെറാരു സ്ഥലം തിരഞ്ഞെടുത്തിട്ടുള്ളതിനാൽ പ്രസ്തുത സ്ഥലമെടുപ്പ് നടപടികൾ നിർത്തിവെയ്ക്കണമെന്ന് പിന്നീട് പി. എച്ച്. ഡിവിഷൻ തിരുവല്ല എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ അദ്ദേഹത്തിന്റെ 4-5-1979-ലെ ബി3-4259/78 എം നമ്പർ കത്തിൽ അഭ്യർത്ഥിച്ചിരിക്കുന്നു. മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേററുന്നതിന് ഉദ്ദേശിച്ചുള്ളതാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം.

By order of the Governor,
M. DANDAPANI,
Special Secretary.

Kerala Gazette No. 18 dated 4th May 1982.
PART I

Section iv

GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATION

No. 13925/G2/82/HD. *Dated, Trivandrum, 21st April* 1982.

S. R. O. No. 578/82.—Under section 5 of the Nurses and Midwives Act, 1953, (10 of 1953), the Government, of Kerala hereby nominate Dr. V. S. Gopalakrishnan, Member, Council of Modern Medicine, to be a Member of the Kerala Nurses and Midwives Council under clause (b) of subsection (2) of section 3 of the said Act in the vacancy caused by the resignation of Dr. Miss E. Samuel.

By order of the Governor,
M.S.K. Ramaswamy,
Special Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

In the G. O. (Rt) No. 352/82/HD dated 18-2-1982, Government have authorised the Medical Council to elect a nominee in respect of vacancy under section 3 (2) (b). As regard this the vacancy of the representative of the council arose by the resignation of Dr. Miss E. Samuel, Retired Surgeon General from the Medical Council in 1978. The Council of Modern Medicine that met on 13-4-1978 elected Dr. V.S. Gopalakrishnan, Retired Director of Health Services as a Member of the council of Modern Medicine to the vacancy caused by the resignation of Dr. Miss. E. Samuel. This notification is intended to give effect to the above proposal.

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1982

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 2169|EL1|82|Elec. *Dated, Trivandrum, 3rd May* 1982.

Notification No. 434|KL|82 (4) dated 21st April 1982 of the Election Commission of India is hereby published.

By order,
J. S. JESUDHASAN,
Special Secretary (PWD) & Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi-110001,
Dated, 21st April, 1982.

NOTIFICATION

No. 434|KL|82 (4).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People

33|1328|MC.

Act, 1951 (43 of 1951), the Election Commission hereby directs that the following amendment shall be made in its notification No. 434|KL|82 (4) dated the 12th April, 1982, namely:—

In column 2 of the Table appended to the said notification for the existing entry against Serial No. 16, the entry "Special Tahsildar (LR) Mannantoddy" shall be substituted.

By order,

(Sd.)

V. K. RAO,

Under Secretary to the Election Commission of India.

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Reg. No. KL/TV(N)/12

Government of Kerala
1982

KERALA GAZETTE

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Vol. XXVII] Trivandrum, Tuesday, 4th May 1982 / 14th Vaisakha 1904 (Saka) [No. 329

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(ACT 21 OF 1962)

No. LA 2-1221/77/VMK. *30th April* 1982.

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which is required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent, on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars, of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note.—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons to make such claim the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതു കാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു.

33/1329/B.

പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജന്റു മൂലമോ താഴെ പറയുന്ന തീയതിയിലും സമയത്തും സ്ഥലത്തും ഹാജരാകുകയും ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ട പ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്ററ് 8-ാം വകുപ്പു പ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്ന് കാണിച്ചു കൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതിപ്പിട്ട ഒരു സ്റേററുമെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിന്മേൽ കോടതിക്ക് റഫറൻസ് അയക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചു കൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്ററ് 11-ാം വകുപ്പു പ്രകാരം കളക്ടർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Date, time and place of appearance.—On 15th May 1982 at 11 a. m. before the Special Tahsildar (L.A.), N. H., Kazhakkuttom.

Particulars of lands

District—Trivandrum. Taluk—Trivandrum.

Village—Muttathara

Description—Dry land

Survey No.	*Extent in Sp. m.*
35/3	0.45

Kazhakkuttom,

(Sd.)

Special Tahsildar, (L. A.) N. H.

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1982

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GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G.O.Rt. No. 439/82/LBR. *Dated, Trivandrum, 24th April,* 1982.

(1)

S. R. O. No. 598/82.—Under sub-section (7) of section 8 of the Factories Act, 1948 (Central Act, 63 of 1948) and in supersession of the Notification (1) issued in No. 525/B1/73/LBR dated the 27th June, 1973 and published in Part I of the Kerala Gazette No. 29 dated the 17th July, 1973, the Government of Kerala hereby specify the authorities mentioned in Column (1) of the Schedule below as the authorities to whom the Director and Inspectors mentioned in the corresponding entries in Column (2) thereof, shall be officially subordinate namely:—

SCHEDULE

Authorities	*Director and Inspectors*
(1)	(2)
I. Secretary to Government, Labour Department, Secretariat, Trivandrum	Director of Factories and Boilers
II. Director of Factories and Boilers	1. Joint Director of Factories and Boilers. 2. Joint Director of Factories and Boilers (Medical)

33/1337/MG.

(1)	(2)
III. Director of Factories and Boilers and Joint Director of Factories and Boilers	1. Technical Assistant to the Director of Factories and Boilers and Safety Inspector. 2. Inspector of Factories and Boilers, Grade I. 3. Inspector of Factories and Boilers, Grade II. 4. Additional Inspector of Factories. 5. Inspectress of Factories for women welfare.

(2)

S. R. O. No. 599/82.—In exercise of the powers conferred by sub-section (3) of section 5 of the Indian Boilers Act, 1923 (Central Act 5 of 1923), the Government of Kerala hereby cancel the Notification (ii) issued in No. 525/B1/73/LBR, dated the 27th June, 1973 and published in Part I of the Kerala Gazette No. 29 dated the 17th July, 1973 assigning the duties imposed on the Chief Inspector of Factories and Boilers, under clauses (d) and (i) of sub-rule (2) of rule 17 of the Kerala Boiler Rules, 1967 to be performed by the Deputy Chief Inspectors of Factories and Boilers, Trivandrum and Ernakulam in their respective jurisdiction.

By order of the Governor,
V. KRISHNAMURTHY,
Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

In notification No. 525/B1/73 dated 27th June, 1973, Government have specified, as provided under sub-section (7) of section 8 of the Factories Act, 1948, the authorities to which the various officers of the Factories and Boilers Department are subordinate. The designation of the officers have since been changed. The notification(1) is intended to indicate the changes in the designation of officers.

Notification (2) is intended to reassign the duties imposed on the Deputy Chief Inspectors to the Chief Inspector since the Deputy Chief Inspectors have not been recognised as "Inspecting Authority" under the Indian Boiler Regulations.

The notifications are intended to these objects.

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